



General Assembly

**Substitute Bill No. 1192**

January Session, 2011

\* \_\_\_\_SB01192JUD\_\_041311\_\_\_\_ \*

**AN ACT CONCERNING THE PROCESSING OF COMPLAINTS FILED  
WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (i) of section 46a-83 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2011*):

4 (i) The executive director of the commission or his designee may  
5 enter an order of default against a respondent (1) who, after notice,  
6 fails to answer a complaint in accordance with subsection (a) of this  
7 section or within such extension of time as may have been granted or  
8 (2) who fails to answer interrogatories issued pursuant to subdivision  
9 (11) of section 46a-54 or fails to respond to a subpoena issued pursuant  
10 to subsection (h) of this section and subdivision (9) of section 46a-54,  
11 provided the executive director or his designee shall consider any  
12 timely filed objection or (3) who, after notice and without good cause,  
13 fails to attend a mandatory mediation session or a fact-finding  
14 conference. Upon entry of an order of default, the executive director or  
15 his designee shall appoint a presiding officer to enter, after notice and  
16 hearing, an order eliminating the discriminatory practice complained  
17 of and making the complainant whole. The commission or the  
18 complainant may petition the Superior Court for enforcement of any  
19 order for relief pursuant to section 46a-95.

20 Sec. 2. Section 46a-101 of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective October 1, 2011*):

22 (a) No action may be brought in accordance with section 46a-100  
23 unless the complainant has received a release from the commission in  
24 accordance with the provisions of this section.

25 (b) (1) The complainant and the respondent, by themselves or their  
26 attorneys, may jointly request that the complainant receive a release  
27 from the commission at any time from the date of filing the complaint  
28 until the expiration of [two hundred ten] one hundred eighty days  
29 from the date of filing of the complaint. The complainant, or [his] the  
30 complainant's attorney, may request a release from the commission if  
31 [his] the complaint with the commission is still pending after the  
32 expiration of [two hundred ten] one hundred eighty days from the  
33 date of its filing.

34 [(c)] (2) The executive director of the commission shall grant a  
35 release, allowing the complainant to bring a civil action, within ten  
36 business days after receipt of the request for the release, except that if a  
37 case is scheduled for a public hearing, the executive director may  
38 decline to issue a release. The commission may defer acting on a  
39 request for a release for thirty days if the executive director of the  
40 commission, or [his] the executive director's designee, certifies that [he]  
41 the executive director or the executive director's designee has reason to  
42 believe that the complaint may be resolved within that period.

43 (c) In addition to a release described in subsection (b) of this section,  
44 the executive director of the commission may grant a release at any  
45 time after the completion of a review conducted pursuant to  
46 subsection (b) of section 46a-83, as amended by this act, provided the  
47 complainant or the complainant's attorney had filed with the executive  
48 director or the executive director's designee, at the time the complaint  
49 was initially filed with the commission, a letter of intent to request a  
50 release. If such a letter of intent is filed, the executive director or the  
51 executive director's designee shall expedite the completion of the

52 review conducted pursuant to subsection (b) of section 46a-83, as  
53 amended by this act.

54 (d) Upon granting a release, the commission shall dismiss or  
55 otherwise administratively dispose of the discriminatory practice  
56 complaint pending with the commission without cost or penalty  
57 assessed to any party.

58 (e) Any action brought by the complainant in accordance with  
59 section 46a-100 shall be brought within ninety days of the receipt of the  
60 release from the commission.

61 Sec. 3. Subsection (b) of section 46a-83 of the general statutes is  
62 repealed and the following is substituted in lieu thereof (*Effective*  
63 *October 1, 2011*):

64 (b) Within ninety days of the filing of the respondent's answer to the  
65 complaint, the executive director or the executive director's designee  
66 shall review the file and shall expedite the completion of such review if  
67 a letter of intent to request a release described in subsection (b) of  
68 section 46a-101, as amended by this act, has been filed. The review  
69 shall include the complaint, the respondent's answer and the responses  
70 to the commission's requests for information, if any, and the  
71 complainant's comments, if any, to the respondent's answer and  
72 information responses. If the executive director or the executive  
73 director's designee determines that the complaint fails to state a claim  
74 for relief or is frivolous on its face, that the respondent is exempt from  
75 the provisions of this chapter or that there is no reasonable possibility  
76 that investigating the complaint will result in a finding of reasonable  
77 cause, the complaint shall be dismissed. This subsection shall not  
78 apply to any complaint alleging a violation of section 46a-64c or 46a-  
79 81e. The executive director shall report the results of the executive  
80 director's determinations pursuant to this subsection to the  
81 commission quarterly during each year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46a-83(i)
Sec. 2	<i>October 1, 2011</i>	46a-101
Sec. 3	<i>October 1, 2011</i>	46a-83(b)

***Statement of Legislative Commissioners:***

In Sec. 2, the paragraphs in Subsecs. (b) and (c) were reordered for clarity.

***JUD***      *Joint Favorable Subst.*